

ASSEMBLY BILL

No. 2361

Introduced by Assembly Member Keene

February 21, 2008

An act to add Article 3.7 (commencing with Section 32230) to Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code, relating to school safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2361, as introduced, Keene. School safety: Safe School Guarantee.

(1) Existing law imposes various requirements on local educational agencies with respect to pupil safety.

This bill would express findings and declarations of the Legislature with respect to school safety. The bill would enact the Safe School Guarantee, under which a parent or guardian of a public elementary or secondary school pupil would have the option to remove his or her child from an unsafe school, as defined, to a safe school, as defined, within the same school district if a suspension or expulsion of a pupil for any of several specified offenses has occurred within the current or the immediately preceding school year. The bill would require that, if no safe school exists within the same district, the parent or guardian would have the option to transfer his or her child to a safe school in another school district.

The bill would require a school district to report to the State Department of Education, as soon as is practicable, a suspension or expulsion of a pupil of that district for any of the specified offenses. The bill would require an unsafe school, or the school district within which an unsafe school is located, to take verifiable steps toward

securing that school's campus, as prescribed. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3.7 (commencing with Section 32230) is
2 added to Chapter 2 of Part 19 of Division 1 of Title 1 of the
3 Education Code, to read:

4
5 Article 3.7. The Safe School Guarantee
6

7 32230. (a) The Legislature finds and declares all of the
8 following:

9 (1) As required by Title IX of the federal No Child Left Behind
10 Act of 2001 (20 U.S.C. Sec. 6301), the state board has established
11 a policy for identifying schools that may be "persistently
12 dangerous."

13 (2) If a school is designated as "persistently dangerous," pupils
14 of that school should be allowed to transfer to a safe school under
15 the provisions of the Unsafe School Choice Option required by
16 Title IX of the federal No Child Left Behind Act of 2001.

17 (3) There are a number of funding sources available to help
18 secure school campuses. These sources include the K-12 Violence
19 Prevention Competitive Grant Program, the Carl Washington
20 School Safety and Violence Prevention Act for grades 8 to 12,
21 inclusive, pursuant to Section 32228.1; and under the
22 Kindergarten-University Public Education Facilities Bond Act of
23 2006 pursuant to paragraph (2) of subdivision (b) of Section
24 101012.

1 (b) It is the intent of the Legislature to accomplish both of the
2 following:

3 (1) To define “safe schools” in the Education Code for the
4 purposes of the federal No Child Left Behind Act of 2001 in a
5 manner that is consistent with subdivision (c) of Section 28 of
6 Article I of the California Constitution, which declares that all
7 “students and staff of public primary, elementary, junior high and
8 senior high schools have the inalienable right to attend campuses
9 which are safe, secure and peaceful.”

10 (2) To give parents and guardians complete and total discretion
11 to invoke their children’s constitutional right to a safe school.

12 32231. (a) As used in this section:

13 (1) “Safe school” means a public elementary or secondary school
14 campus where pupils and staff have no reasonable apprehension
15 with regard to the security of their person or property.

16 (2) “Unsafe school” means a public elementary or secondary
17 school campus where pupils and staff have the reasonable
18 apprehension that their person or property is not secure. The
19 occurrence of any of the incidents listed in subdivision (c) during
20 the current or immediately preceding school year shall constitute
21 a rebuttable presumption that the campus where the incident
22 occurred is an unsafe school.

23 (b) Notwithstanding any other provision of law, a parent or
24 guardian of a public elementary or secondary school pupil shall
25 have the option to remove his or her child from an unsafe school
26 to a safe school within the same school district if a suspension or
27 expulsion of a pupil for any of the causes listed in subdivision (c)
28 has occurred during the current or immediately preceding school
29 year. If no safe school exists within the same district, the parent
30 or guardian shall have the option to transfer his or her child to a
31 safe school in another school district.

32 (c) A school district shall report, as soon as is practicable, a
33 suspension or expulsion of a pupil of that district for any of the
34 following causes on the Uniform Management Information
35 Reporting System page of the consolidated application found on
36 the Internet Web site of the State Department of Education:

37 (1) Hate violence within the meaning of Section 48900.3.

38 (2) Causing serious physical injury to another person, except
39 in self-defense, within the meaning of paragraph (1) of subdivision
40 (a) of Section 48915.

1 (3) Robbery or extortion within the meaning of paragraph (4)
2 of subdivision (a) of Section 48915.

3 (4) Assault or battery upon a school employee within the
4 meaning of paragraph (5) of subdivision (a) of Section 48915.

5 (5) Possessing, selling, or otherwise furnishing a firearm within
6 the meaning of paragraph (1) of subdivision (c) of Section 48915.

7 (6) Brandishing a knife at another person within the meaning
8 of paragraph (2) of subdivision (c) of Section 48915.

9 (7) Unlawfully selling a controlled substance within the meaning
10 of paragraph (3) of subdivision (c) of Section 48915.

11 (8) Committing or attempting to commit a sexual assault or
12 sexual battery within the meaning of paragraph (4) of subdivision
13 (c) of Section 48915.

14 (9) Possession of an explosive within the meaning of paragraph
15 (5) of subdivision (c) of Section 48915.

16 (d) An unsafe school, or the school district within which an
17 unsafe school is located, shall be required to take verifiable steps
18 toward securing that school's campus. For purposes of this section,
19 a verifiable action includes, but is not necessarily limited to,
20 increasing the number of campus security personnel and securing
21 the physical perimeter of the campus with fencing to improve
22 control over access to, and egress from, the campus.

23 SEC. 2. If the Commission on State Mandates determines that
24 this act contains costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code.